

**MUSICK, PEELER & GARRETT LLP**

ATTORNEYS AT LAW  
120 MONTGOMERY STREET, SUITE 2550  
SAN FRANCISCO, CALIFORNIA 94104-4303  
TELEPHONE 415-281-2024

FACSIMILE 415-281-2010

David A. Tartaglio (State Bar No. 117232)  
d.tartaglio@mpglaw.com  
Catherine M. Lee (State Bar No. 197197)  
c.lee@mpglaw.com

Attorneys for Defendants THE AMERICAN  
SOCIETY FOR REPRODUCTIVE  
MEDICINE and SOCIETY FOR ASSISTED  
REPRODUCTIVE TECHNOLOGY

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

OPTIONS NATIONAL FERTILITY  
REGISTRY, a California Corporation, and  
JESSICA and class of plaintiffs believed to be  
similarly situated (women egg donors whose  
eggs were allegedly given to unknown and  
unauthorized recipients via "egg sharing"  
without their informed consent, in violation of  
an existing legally binding contract),

Plaintiffs,

vs.

THE AMERICAN SOCIETY FOR  
REPRODUCTIVE MEDICINE; SOCIETY  
FOR ASSISTED REPRODUCTIVE  
TECHNOLOGY; DOES 1 through 102  
(REGISTERED INFERTILITY  
PHYSICIANS) AND DOES 103 through 1500  
(FERTILITY CLINICS AND ASSOCIATED  
PROFESSIONAL DEFENDANTS),

Defendants.

Case No. C 07 5238 JF

Complaint Filed: October 12, 2007

**[PROPOSED] ORDER GRANTING  
DEFENDANTS AMERICAN SOCIETY  
OF REPRODUCTIVE MEDICINE'S AND  
SOCIETY FOR ASSISTED  
REPRODUCTIVE TECHNOLOGY'S  
MOTION TO DISMISS PLAINTIFFS'  
COMPLAINT WITHOUT LEAVE TO  
AMEND**

Date: July 11, 2008  
Time: 9:00 a.m.  
Ctrm.: 3

Trial Date: None.

1 The Motion of defendants The American Society for Reproductive Medicine ("ASRM")  
 2 and Society for Assisted Reproductive Technology ("SART") to Dismiss Plaintiffs' Complaint for  
 3 Lack of Subject Matter Jurisdiction, or Alternatively, Motion to Dismiss First, Second, and Third  
 4 Causes of Action for Failure To State a Claim and Motion to Dismiss Class Claims or Strike Class  
 5 Allegations was heard on July 11, 2008 in Courtroom 3 of the above-entitled court, the Honorable  
 6 Jeremy Fogel, presiding. Plaintiffs appeared through their counsel, Stanley G. Hilton of the Law  
 7 Offices of Stanley G. Hilton. Defendants ASRM and SART appeared through their counsel,  
 8 Catherine M. Lee of Musick, Peeler & Garrett, LLP.

9 The Court having reviewed the submissions of plaintiffs and defendants and having heard  
 10 the arguments of their counsel, and good cause appearing therefor, orders as follows:

11 The motion of ASRM and SART to dismiss plaintiff's entire Complaint is granted without  
 12 leave to amend. The Complaint pleads no subject matter jurisdiction based on federal question  
 13 and the common citizenship of plaintiff Options National Fertility Registry and defendant ASRM  
 14 defeats diversity jurisdiction.

15 IT IS SO ORDERED.

16  
 17 Dated: \_\_\_\_\_, 2008

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 18 THE HONORABLE JEREMY FOGEL  
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